Exhibit 31

Excerpts from the Sept. 20, 2019 Rule 30(b)(6) Deposition of Easter Seals New Hampshire (Jay Hoyt)

REDACTED

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1   UNITED STATES DISTRICT COURT

                   DISTRICT OF NEVADA

2   NO. 2:10-cv-0106-LRH-VCF

     _____

3   ORACLE USA, INC.; a Colorado corporation; ORACLE)

4   AMERICA, INC.; a Delaware corporation; and ORACLE)

5   INTERNATIONAL CORPORATION, a California   )

6   corporation,   )

7   Plaintiffs,   )

8   vs.   )

9   RIMINI STREET, INC., a Nevada corporation;   )

10   and SETH RAVIN, an individual,   )

11   Defendants.   )

12   _____)

13   HIGHLY CONFIDENTIAL -- ATTORNEYS' EYES ONLY

14   VIDEOTAPED DEPOSITION OF EASTER

15   SEALS OF NEW HAMPSHIRE BY JAY A. HOYT, called as a

16   witness by and on behalf of the Plaintiffs,

17   pursuant to the applicable provisions of the

18   Federal Rules of Civil Procedure, Rule 30(b)(6),

19   before P. Jodi Ohnemus, RPR, RMR, CRR, CA-CSR

20   #13192, NH-CSR #91, and MA-CSR #123193, at Sheehan

21   Phinney Bass & Green, 1000 Elm Street, Manchester,

22   New Hampshire, on Friday, September 20, 2019,
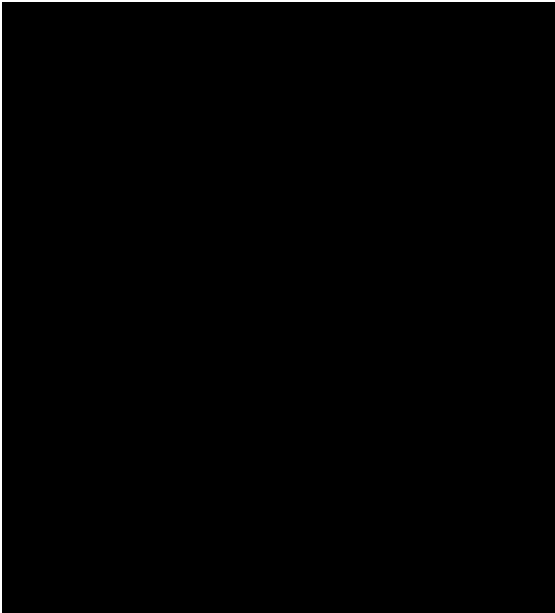
23   commencing at 9:21 a.m.

24

25   PAGES: 1-67

                                              Page 1

1 A. We moved to another system. 09:39:50	1 [redacted]
2 Q. What system was that? 09:39:51	2 Q. Do you know where your update would have 09:42:16
3 A. DayForce by Ceridian. 09:39:55	3 been posted? 09:42:17
4 Q. Does Rimini provide updates for the 09:39:57	4 A. In the cloud based. 09:42:18
5 DayForce system? 09:39:59	5 Q. And am I correct that you did not collect 09:42:23
6 A. No. 09:40:00	6 materials from the cloud server? 09:42:26
7 Q. Why did you decide to switch? 09:40:04	7 A. That's true. 09:42:27
8 A. PeopleSoft is old. 09:40:09	8 Q. Do you consider that to be your system? 09:42:28
9 Q. Were you still able to receive updates for 09:40:14	9 A. We provision it. 09:42:31
10 the PeopleSoft system that you had in April of 2018 09:40:16	10 Q. What does that mean? 09:42:34
11 -- PeopleSoft HR? 09:40:18	11 A. We purchase the system. 09:42:36
12 A. Yes. 09:40:20	12 Q. Did you purchase the physical hardware? 09:42:41
13 Q. Aside from being old, was there anything 09:40:23	13 A. No. 09:42:42
14 particular that PeopleSoft HR -- how it wasn't 09:40:25	14 Q. Well, what did you -- what did you 09:42:46
15 meeting your needs? 09:40:28	15 purchase, then? 09:42:48
16 A. Yes. 09:40:35	16 A. Service. 09:42:49
17 Q. And what was that? 09:40:35	17 Q. Okay. From whom? 09:42:49
18 A. It's -- well, because of its age, it 09:40:40	18 A. Windstream. 09:42:50
19 doesn't have the capabilities of a -- a modern 09:40:44	19 Q. So going back then, because you purchased 09:42:58
20 system; it was installed in-house; we didn't want 09:40:48	20 it, do you consider it to be your system? 09:43:00
21 to maintain the software inside of our own 09:40:52	21 A. Yes. 09:43:09
22 environment. 09:40:56	22 Q. All right. If asked, will you collect 09:43:12
23 Q. What were the challenges with maintaining 09:40:59	23 documents from that system? 09:43:15
24 the software? 09:41:00	24 A. No. 09:43:15
25 A. It's just time, it's -- and effort of 09:41:03	25 Q. Why not? 09:43:16
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1 staff. 09:41:06	1 A. We don't need it. 09:43:19
2 Q. Was cost a consideration? 09:41:09	2 Q. In the context of responding to this 09:43:22
3 A. No. 09:41:12	3 subpoena in this matter that calls for support 09:43:24
4 Q. Looking back at the document at 9402, who 09:41:15	4 documents from your systems, is there a reason you 09:43:26
5 is Christopher R. Dunn, if you know? 09:41:22	5 wouldn't collect it? 09:43:30
6 A. I don't. 09:41:24	6 A. Again, we wouldn't need it. 09:43:32
7 MS. CARRIER: Sorry -- for clarification: 09:41:27	7 Q. Okay. So turning back to -- I believe 09:43:53
8 Christopher Dunn works at my office. He just 09:41:28	8 it's Exhibit 1802, Schedule A. 09:43:55
9 printed these documents. 09:41:30	9 A. (Witness reviews document.) 09:43:55
10 MR. MINNE: Okay. 09:41:33	10 Q. So item "b" calls for "All documents and 09:44:22
11 Q. Other than the author or printer at the 09:41:33	11 communications concerning any Oracle software and 09:44:26
12 top, does the information in the header look 09:41:37	12 support materials that have been copied to or 09:44:29
13 correct? 09:41:42	13 stored on your systems by Rimini on or after August 09:44:31
14 A. Yes. 09:41:43	14 15th, 2018," and it goes on. 09:44:35
15 Q. Is there any reason to believe that it 09:41:43	15 So -- so do you consider the updates to be 09:44:40
16 would have been changed since you received it? 09:41:45	16 responsive to this request or not? 09:44:44
17 A. No. 09:41:47	17 A. I don't. 09:44:48
18 [redacted]	18 Q. Okay. And why not? 09:44:49
19	19 A. Again, because we don't -- we didn't use 09:44:51
20	20 them. 09:44:53
21	21 Q. So I guess I'm wondering, because you 09:44:56
22	22 didn't use them, do you not consider Windstream to 09:45:00
23	23 be your system? 09:45:02
24	24 A. In that context, no. 09:45:04
25	25 Q. Okay. When was the last time you used 09:45:08
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6 (Pages 18 - 21)

1 a PeopleSoft Financials environment since April 10:35:21
2 2018; correct?   10:35:24
3   A. Yes.   10:35:25
4   Q. How, if at all, does Easter Seals   10:35:30
5 differentiate between the PeopleSoft HR environment 10:35:32
6 that it had before April 2018 and the Financial 10:35:36
7 environment that it continues to maintain?   10:35:40
8   A. They're two separate applications with two 10:35:43
9 different databases.   10:35:45
10   Q. Do you still have a copy of the HR   10:35:50
11 environment database?   10:35:53
12   A. We do.   10:35:55
13   Q. Would you be able to access that if you   10:35:58
14 needed it?   10:35:59
15   A. Yes.   10:36:00
16   Q. Where is it stored?   10:36:02
17   A. It's on an internal Sequel server.   10:36:04
18   Q. Aside from being stored for archive, it's 10:36:09
19 -- is it still in use at all?   10:36:12
20   A. It's used for reference, yes.   10:36:14
21   Q. In what circumstances will it be used?   10:36:18
22   A. Generally data reconciliation, if needed. 10:36:21
23   Q. When was the last time -- I'm sorry.   10:36:26
24   A. We also have to produce EEO data from past 10:36:28
25 years that wasn't converted into the new system -- 10:36:36

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1 Equal Employment Opportunity regulations.   10:36:41
2   Q. And are you still updating that database   10:36:46
3 to produce those records?   10:36:49
4   A. No.   10:36:50
5   Q. Are you still updating the PeopleSoft HR   10:36:53
6 systems to produce those records?   10:36:55
7   A. No.   10:36:57
8   Q. Earlier we discussed whether you had   10:37:17
9 credentials to access the Windstream FTP server. 10:37:18
10   Do you recall that?   10:37:23
11   A. Yes.   10:37:26
12   Q. What other portions of the Windstream   10:37:27
13 server might you have access to?   10:37:31
14   A. I don't -- I don't know. We've only ever 10:37:36
15 accessed that one thing.   10:37:42
16   Q. When you access the FTP server, does it   10:37:44
17 give you access to the PeopleSoft environment   10:37:48
18 portions of the Windstream virtual machine?   10:37:52
19   A. No.   10:37:54
20   Q. So it doesn't give you access to the   10:37:58
21 Windstream dev or test environment; is that   10:38:01
22 correct?   10:38:04
23   A. That's correct.   10:38:05
24   Q. And going back to the letter from Ms.   10:38:11
25 Carrier, do you see that it says, "Easter Seals 10:38:13

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1 does not have access to the test environment Rimini 10:38:15
2 uses for testing updates"?   10:38:18
3   A. That's true.   10:38:23
4   Q. And -- and do you agree with that   10:38:24
5 statement?   10:38:25
6   A. Yes.   10:38:26
7   Q. Does Easter Seals have any knowledge   10:38:32
8 regarding what files have been copied to that   10:38:34
9 environment -- those environments?   10:38:36
10   A. Yes.   10:38:40
11   Q. How so?   10:38:43
12   A. It was a database backup from our original 10:38:44
13 environment.   10:38:49
14   Q. When was that database backup made?   10:38:51
15   A. Probably 2016. I'm not exactly sure.   10:38:58
16   Q. Do you have any knowledge to -- regarding 10:39:08
17 what files have been copied to that environment 10:39:11
18 since 2016?   10:39:13
19   A. No.   10:39:14
20   Q. Do you have any knowledge of the changes   10:39:18
21 that are made to any of the Windstream environment 10:39:22
22 since 2016?   10:39:24
23   A. In what regard?   10:39:25
24   Q. In any regard.   10:39:31
25   A. I don't know.   10:39:35

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1   Q. So you don't have that knowledge; is that 10:39:36
2 correct?   10:39:39
3   A. That's true, I -- I don't know what would 10:39:39
4 have been copied in that environment.   10:39:42
5   Q. And you're not aware of what changes might 10:39:48
6 have been made to that environment; correct?   10:39:50
7   A. That's true.   10:39:52

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13 (Pages 46 - 49)

12   MR. THOMAS: Counsel, just one question -- 10:41:06
13 housekeeping: This is an exhibit number from   10:41:09
14 another case.   10:41:13
15   MR. MINNE: That's correct, yes.   10:41:16
16   MR. THOMAS: Do you think it's a good idea 10:41:18
17 to continue using exhibits from another case?   10:41:19
18 Given numbers, I mean.   10:41:22
19   MR. MINNE: I've got no objection if we   10:41:23
20 want to further mark it.   10:41:28
21   MR. THOMAS: I think it might be a good   10:41:30
22 idea, because otherwise we may have a 121 in this 10:41:31
23 case.   10:41:35
24   MR. MINNE: Yeah. That's -- that's fair. 10:41:36
25 Sure.   10:41:36

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1   Let's mark it 1809 -- sorry, the   10:41:36
2 previously marked Exhibit 121 will be marked 1809. 10:41:38
3   (Exhibit 1809, EASTERSEALSNH2-SUB   10:41:49
4   000007844-848.)   10:41:53
5 Q. You testified previously --   10:42:15
6   MR. MINNE: Is the court reporter ready?   10:42:19
7   COURT REPORTER: I'm ready.   10:42:20
8 Q. You testified previously that Easter Seals 10:42:22
9 paid approximately $1,100 for this Windstream   10:42:24
10 environment; correct?   10:42:27
11 A. Yes.   10:42:28

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6   Q. Do you know if Easter Seals has a license 10:43:41
7 for any COBOL compiler?   10:43:44
8   A. I don't believe so.   10:43:47
9   Q. Do you know if Easter Seals previously had 10:43:52
10 a license for a COBOL compiler?   10:43:53
11   MR. THOMAS: Objection. Outside the scope 10:43:56
12 to the extent...   10:43:56
13   (Court Reporter comment.)   10:43:56
14   MR. THOMAS: Outside the scope of the   10:43:56
15 subpoena to the extent it's outside the time frame 10:44:01
16 for the subpoena.   10:44:03
17   A. I -- I don't know. Possibly.   10:44:08

23   MR. MINNE: Okay. Those are the questions 10:44:33
24 I have at this time. I'll note that there were   10:44:34
25 several documents referenced that we had not   10:44:36

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1 received, and to the extent those are -- we would 10:44:38
2 request those documents be produced and reserve all 10:44:42
3 rights to continue the deposition regarding those 10:44:48
4 documents.   10:44:51
5   MR. THOMAS: Let's go off the record for a 10:44:52
6 minute.   10:44:53
7   VIDEO OPERATOR: The time is 10:45, and we 10:44:54
8 are now off the record.   10:44:56
9   (Recess was taken.)   10:44:56
10   VIDEO OPERATOR: The time is 10:49, and we 10:49:22
11 are now back on the record.   10:49:25
12   EXAMINATION   10:49:25
13 BY MR. THOMAS: 10:49:25
14 Q. Good morning, sir. My name's Jeff Thomas, 10:49:27
15 and I represent Rimini Street. Thanks for your   10:49:30
16 time here today.   10:49:32
17   Now, you've explained to us that you are   10:49:36
18 no longer retrieving the PeopleSoft HR updates   10:49:38
19 because you don't -- you no longer use that system; 10:49:42
20 correct?   10:49:45
21 A. That's true.   10:49:46
22 Q. Okay. But you still want and have   10:49:47
23 contracted for Rimini to provide updates to the   10:49:51
24 environment on -- in the cloud.   10:49:55
25 A. For PeopleSoft Financials.   10:50:00

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14 (Pages 50 - 53)
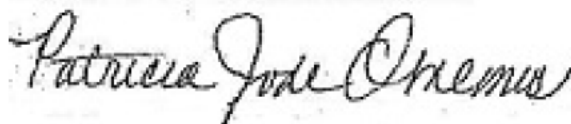
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1 privy to negotiations between Easter Seals and   11:03:57
2 Rimini regarding this amendment?   11:04:01
3   A. That's true.   11:04:03
4   Q. And are you privy to any discussions   11:04:07
5 between Easter Seals and Rimini regarding the   11:04:09
6 renewal of Easter Seals' support contract with   11:04:12
7 Rimini?   11:04:15
8   A. I'm not.   11:04:16
9   Q. Did you investigate the renewal of Easter   11:04:16
10 Seals' support contract with Rimini in preparing   11:04:19
11 for this deposition?   11:04:21
12   A. I didn't.   11:04:23
13   Q. And did you investigate any other   11:04:26
14 amendments to Easter Seals' support contract with   11:04:28
15 Rimini in preparing for this deposition?   11:04:31
16   A. No.   11:04:33
17   Q. And did you investigate the circumstances   11:04:35
18 of the initial negotiation of Easter Seals' support 11:04:39
19 contract with Rimini in preparation for this   11:04:43
20 deposition?   11:04:45
21   A. No.   11:04:47
22   Q. During the last portion of your deposition 11:04:54
23 you testified, I believe, that you took ownership   11:04:57
24 by virtue of paying for the Windstream environment. 11:04:59
25   Do you recall that?   11:05:04

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1   A. Yes.   11:05:04
2   Q. In that context, though, you don't have   11:05:07
3 physical access to the Windstream environments;   11:05:09
4 correct?   11:05:12
5   A. Aside from the FTP, no.   11:05:15
6   Q. And aside from the FTP portion of the   11:05:18
7 environment, you don't have the ability to download 11:05:21
8 files; correct?   11:05:26
9   A. That's true.   11:05:28
10   Q. And aside from the FTP portion of the   11:05:31
11 environment, you don't have the ability to view   11:05:33
12 files; correct?   11:05:35
13   A. That's true.   11:05:37
14   Q. And the FTP portion is not where any   11:05:37
15 PeopleSoft environments are kept; correct?   11:05:43
16   A. As far as I know.   11:05:46
17   Q. Do you have any way of knowing what Rimini 11:05:54
18 does in the nonFTP portions of the Windstream   11:05:56
19 environment?   11:06:02
20   A. I don't.   11:06:02
21   Q. And any PeopleSoft HR updates that Rimini   11:06:12
22 creates on the Windstream environment are not used 11:06:14
23 by Rimini; correct?   11:06:18
24   A. Not used by Rimini?   11:06:20
25   Q. Excuse me. Let me -- strike that.   11:06:21

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1   Any PeopleSoft updates that are created on 11:06:24
2 the Windstream environment are not used by Easter   11:06:27
3 Seals; correct?   11:06:29
4   A. That's true.   11:06:30
5   Q. Do you know if they're used by Rimini?   11:06:31
6   A. I don't.   11:06:33
7   MR. MINNE: No further questions.   11:06:38
8   FURTHER EXAMINATION   11:06:38
9 BY MR. THOMAS: 11:06:40
10   Q. Just a quick followup on that.   11:06:42
11   Counsel asked you whether except for the   11:06:46
12 FTP site you have no ability to download the   11:06:48
13 updates that Rimini prepares for you.   11:06:54
14   Do you recall that?   11:06:57
15   A. That's -- yes.   11:06:58
16   Q. But isn't that exactly the purpose of the   11:06:59
17 FTP site -- is to have someplace where you can go   11:07:01
18 and download the files?   11:07:04
19   A. Yes.   11:07:05
20   Q. And, then, you were asked some questions   11:07:15
21 about use of the updates.   11:07:17
22   As I understand it, the way it works is   11:07:20
23 Easter Seals has access to the FTP site; it can   11:07:22
24 then download those updates from the FTP site, and 11:07:25
25 then use them for your own internal data processing 11:07:29

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1 purposes; is that correct?   11:07:33
2   A. Yes.   11:07:34
3   MR. THOMAS: Nothing further.   11:07:41
4   FURTHER EXAMINATION   11:07:41
5 BY MR. MINNE: 11:07:43
6   Q. One more question: Is it correct that you   11:07:45
7 cannot download every file that Rimini puts on the 11:07:46
8 Windstream environments?   11:07:50
9   A. I -- I mean, I don't know the extent of   11:07:58
10 the environment.   11:08:00
11   Q. But if Rimini puts any files on the nonFTP 11:08:02
12 portion of the Windstream environment, you don't   11:08:07
13 have access to those files; correct?   11:08:09
14   A. That's true.   11:08:11
15   MR. MINNE: All right. Thank you.   11:08:14
16   MR. THOMAS: Thank you, sir. Appreciate   11:08:16
17 your time.   11:08:17
18   THE WITNESS: All right.   11:08:18
19   VIDEO OPERATOR: The time is 11:08. This   11:08:18
20 is the end of DVD No. 1, as well as the deposition, 11:08:20
21 and we are now off the record.   11:08:23
22   COURT REPORTER: Anyone want to give me   11:08:23
23 their order?   11:08:23
24   MR. WHITTAKER: I think we should have a   11:08:33
25 standing order.   11:08:34

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17 (Pages 62 - 65)

1   C E R T I F I C A T E

2

3   I, Patricia Jodi Ohnemus, a Licensed
    Shorthand Reporter for the State of New Hampshire,
4   do hereby certify that the foregoing is a true and
    accurate transcript of my stenographic notes of the
5   proceeding taken at the place and on the date
    hereinbefore set forth to the best of my skill and
6   ability under the conditions present at the time.

7   I further certify that I am neither
    attorney or counsel for, nor related to or employed
8   by any of the parties to the action in which this
    proceeding was taken, and further that I am not a
9   relative or employee of any attorney or counsel
    employed in this case, nor am I financially
10 interested in this action.

11   The foregoing certification of this
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19   *Patricia Jodi Ohnemus*

20   Patricia Jodi Ohnemus
               LCR #91, RMR, RPR, CRR

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